

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Demi Thrasher, Nichole Delaney,
Michael Delaney, and Vickie Delaney
Plaintiffs

v.

Cabot Inn and Suites
Defendant

Docket No: *1:17-cv-216*

COMPLAINT

JURISDICTION

1. Jurisdiction is invoked pursuant to 28 U.S.C. § 1332.

JURY TRIAL DEMANDED

2. Plaintiffs demand a trial by jury on each of the causes of action pleaded herein.

VENUE

3. Venue is proper for the United States District Court for the District of New Hampshire pursuant to 28 U.S.C. § 1391(b).

INTRODUCTION

4. Plaintiff Demi M. Thrasher is a citizen of the State of New York with a residential address at 7 Glendale Place, Whitesboro, New York 13492.

5. Plaintiff Nichole E. Delaney is a citizen of the State of New York with a residential address at 3209 Colton Road, Canastota, New York 13032.

6. Plaintiff Michael Delaney is a citizen of the State of New York with a residential address at 3209 Colton Road, Canastota, New York 13032.
7. Plaintiff Vickie Delaney is a citizen of the State of New York with a residential address at 3209 Colton Road, Canastota, New York 13032.
8. Defendant Cabot Inn and Suites is a hotel with its principal place of business located at 200 Portland Street, Lancaster, New Hampshire, 03584.
9. The plaintiffs claim damages in excess of \$75,000.00

FACTUAL ALLEGATIONS

10. Paragraphs 1-10 are incorporated herein by reference.
11. On August 27, 2016 the plaintiffs were paying guests of the defendant, having attended the wedding of a family member nearby.
12. The defendant's premises is comprised of two buildings, a main building, called "The Queen", and a smaller building, called "The King".
13. It also includes approximately 60 acres of land, and advertises that its many amenities include a playground and gazebo, and that guests can enjoy activities such as hiking and snowmobiling.
14. Plaintiffs Nichole and Michael Delaney were staying in rooms in the "Queen" building, and plaintiff Demi Thrasher and her mother Tammy Thrasher were staying in rooms in the "King" building.
15. Plaintiffs Nichole Delaney and Demi Thrasher returned from the wedding with Tammy Thrasher in a bus, which dropped them off at the "Queen" building.

16. After checking in at Nichole's room to leave her valuables, plaintiffs Nichole Delaney and Demi Thrasher walked over to the "King" building to find Tammy Thrasher, who they believed was outside, walking her dog.
17. It was dark, and there were no lights illuminating the area outside the building.
18. As they walked to the side of the building, near the room where plaintiff Demi Thrasher and her mother were staying, both plaintiffs fell into an unmarked, unguarded pit approximately 10 feet deep, with a cement floor, which was part of a loading dock leading to a storage area in the basement of the building.
19. Both plaintiffs were badly injured, and plaintiff Demi Thrasher was unconscious.
20. Plaintiff Nichole Delaney called her father, plaintiff Michael Delaney, on her cell phone, to request assistance.
21. Plaintiff Michael Delaney drove into the parking lot of the hotel. It was dark, and he could not see anyone, but heard screaming.
22. Plaintiff Michael Delaney ran toward the direction of the screaming, and fell into the pit, suffering severe injuries.
23. After the police and ambulance arrived, all three plaintiffs were taken to the hospital, and treated for their injuries. The three plaintiffs have continued to receive medical treatment for their injuries, and have suffered financial losses due to the expense of medical treatment, and lost earnings.

All three have continued to experience pain and emotional distress as a result of their injuries.

COUNT I: NEGLIGENCE

25. The allegations of paragraphs 1-24 are incorporated herein by reference.
26. The defendant, the entity in control and custody of the premises, owed a duty of care to the plaintiff to maintain the premises in a condition so as to not create an unreasonable risk of harm to those lawfully on the premises.
27. The defendants breached that duty of care, by, *inter alia*, failing to guard or otherwise identify or warn its patrons of the dangers posed by the open and unmarked pit, providing sufficient lighting, and thereby creating great risk of harm to the plaintiffs and others lawfully using its premises.
28. As a direct and proximate result of the defendant's negligence, the plaintiffs suffered great harm to both mind and body.

COUNT II: LOSS OF CONSORTIUM

29. The allegations of paragraphs 1-28 are incorporated herein by reference.
30. At all relevant times plaintiff Vickie Delaney was married to plaintiff Michael Delaney.
31. As a result of the injuries to plaintiff Michael Delaney plaintiff Vickie Delaney has been deprived of his services, companionship, affection, and other elements of her right to consortium.

WHEREFORE, the plaintiffs requests that this Honorable Court:

- a. Schedule a trial by jury to adjudicate the dispute asserted in this action;

- b. Enter judgment against the defendant Cabot Inn & Suites in the maximum amount available to fairly and justly compensate plaintiffs Demi Thrasher, Nichole Delaney, Michael Delaney and Vickie Delaney for all injuries and losses, and court costs, as allowed and required by the Constitution, statutory and common law of the State of New Hampshire, within the jurisdiction of this Honorable Court; and
- c. Grant such other relief as is just and equitable.

Respectfully submitted,

Demi M. Thrasher, Nichole E. Delaney,
Michael Delaney, and Vickie Delaney

By: NIXON, VOGELMAN, BARRY,
SLAWSKY AND SIMONEAU, P.A.

Dated: June 5, 2017

/s/Leslie C. Nixon
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